**THE HON'BLE SMT JUSTICE T.MEENA KUMARI**
**&**
**THE HON'BLE SRI JUSTICE G.CHANDRAIAH**

**WRIT PETITION NO.19321 OF 2007**

**Dated: 24.09.2007**

Between:

G. Nageswara Rao

..Petitioner

And

1.The Government of India, rep., by its Secretary, Ministry of Health & Family Welfare, New Delhi and others.

.. Respondents.

**THE HON'BLE SMT JUSTICE T.MEENA KUMARI**
**&**
**THE HON'BLE SRI JUSTICE G.CHANDRAIAH**

**WRIT PETITION NO.19321 OF 2007**

**ORDER:** (Per Hon'ble Smt. Justice T. Meena Kumari)

This is a writ petition filed by the petitioner challenging the order of the tribunal, dated 22.8.2007 in O.A.No.415 of 2007.

The petitioner is the applicant before the Tribunal. He filed the above O.A. challenging the transfer order, dated 25.5.2007 on the ground that he joined as Drugs Inspector, Group-B Gazetted Officer and after his selection, he was posted at Chennai in 1992 and thereafter, he was transferred to Sub-Zonal Office, Hyderabad in January, 1999 as first resident Drugs Inspector and while so, in the month of May, 2007, the 2nd respondent issued orders transferring him to Kolkata as a measure of punishment as he approached the Tribunal on the earlier occasion challenging the action of the respondents in not giving promotion to him and that there is no specific policy in existence regarding transfers in the office of the respondents.

The tribunal having observed that filing of the writ petition questioning the action of the respondents in not giving promotion, cannot be said to be a reason to issue transfer order and that the applicant failed to prove the malafides as alleged and therefore, the order of transfer cannot be interfered with, dismissed the application. Having aggrieved by the same, the present writ petition has been filed.

Heard the learned Counsel and perused the material available on record.

As seen from the record, it is obvious that certain malafides were attributed by the applicant against some persons as to his transfer but he did not make them as parties to the application. Mere filing of the writ petition on the earlier occasion by the applicant challenging inaction of the respondents

cannot be said to be a consequence for his transfer in question. Apart from that, in case of this nature, the action falls within the domain of the administration of the authorities, in which, the Courts will not generally interfere with. However, if really, the petitioner is aggrieved, nothing prevents him from approaching the appropriate authorities instead of approaching the Tribunal without any basis.

In the above facts and circumstances, we have no hesitation to hold that the order of the Tribunal does not suffer from any illegality and legal infirmity and therefore, we see no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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Justice T. Meena Kumari

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Justice G.Chandraiah

Date: 24.09.2007
Gurc/nn

**THE HON'BLE SMT. JUSTICE T.MEENA KUMARI**
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**THE HON'BLE SRI JUSTICE G.CHANDRAIAH**

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**WRIT PETITION NO.19321 OF 2007**

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

**Dated: 24.09.2007**